

**From:** Kelsey Edwards  
**To:** Microsoft ATR  
**Date:** 1/23/02 10:31am  
**Subject:** Microsoft Settlement

Men and women of the Department of Justice,

You have requested public comment before closing the Microsoft Antitrust case.

First, to prosecute any person, or company in this case, under a law with no defined standards, under which a person's actions may be declared illegal although they were not prohibited before he performed them, is a terrible blow to the justice and protection of individual rights upon which our nation and legal system were founded. Disgruntled competitors can not be allowed to declare the actions of a more successful company illegal simply because it was successful and they were not. Laws under which such post de facto prosecution can take place are more reminiscent of a Fascist regime than a free democratic republic.

Second, I would like to ask you to consider whom you are trying to protect. If, in your eyes, prosecuting Microsoft is an attempt to protect the average consumer, then I must disagree, both with the means and the end. Any average consumer that buys a Microsoft product does so voluntarily. For myself, I choose to use Windows as opposed to, say, Linux, but I choose to use Lotus instead of Microsoft's Word. Microsoft has no power to physically compel a person to buy its product instead of a competitor's. In actuality, the only institution with the power of physical enforcement is the government, and it is through that means that Microsoft's less capable competitors wish to shackle them. The government has no right to interfere with free trade.

The last thing I would like you to consider is the broadest scope and ramifications of your actions. At a time when we are suffering a recession and commentators frequently ask if industry will be able to recover, you propose to punish the most successful corporation in the nation. What will that do to the economy? Further, what message does that send to other large corporations, such as General Electric, and AT&T (which has already been prosecuted)? It warns them not to be too successful, not to make too much money, not to boost the economy too much, not to do their jobs too well, because a less successful competitor might cry "monopoly" out of contempt for his own incompetence. And how do such businesses know how much is too much? Under such arbitrary laws as antitrust, they can't.

The Microsoft case should be dismissed. The antitrust laws are unconstitutional. The consumers deal with the company voluntarily. Economic success should not be punished, but rewarded. Microsoft produces life-enriching products that people want to buy and supports the nation's economy. It deserves not a lawsuit, but a commendation

Thank you,

Kelsey Edwards  
Ravenna, OH